IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.746 OF 2005

Shri.Janardan Vilas Dinde ..Petitioner

Vs.

Smt.Sulochana Balwant Dinde ..Respondent

....

Mr.S.S.Hardikar for Petitioner

....

CORAM : B.H.MARLAPALLE,J.
DATE : MARCH 9,2005

P.C.:

1. Heard Mr.Hardikar, the learned counsel for the petitioner who is impleaded as the original defendant in R.C.S.No. 164 of 2002. The said suit has been filed on or about 28.1.2002 before the Civil Judge S.D.at Kolhapur and in the same, an application under order VI Rule 17 of the CPC came to be filed at Exh.43 for additions of parties. By filing his say, the defendant opposed the said application and after hearing both the parties by the impugned order dated 28.10.2004, the learned Civil Judge S.D. at Kolhapur was pleased to allow the application at Exh.43.

2. The trial Court has noted that the plaintiff has filed in all three suits against the different persons and for the suit property bearing no. 21/1 the name of the defendant is mentioned in the record

of rights for an area admeasuring 40 Ares. She claims that is a bogus record and it has been fraudulently prepared in collusion with Jaysingh Dnyanu Patil and his brothers by obtaining a forged gift deed from the plaintiff's mother-in-law. Under these circumstances, they were found to be necessary parties in the suit so as to decide the controversies between the parties and the inter-se rights. The view taken by the trial Court is a possible view and this Court has already held that the amendments in Civil Procedure Code brought into force from July, 2002 are not applicable to the suits which were pending on that date.

3. Hence, the writ petition is rejected summarily.

[B.H.MARLAPALLE,J.]